



## EPA Daily News Briefing

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**TO: ADMINISTRATOR AND SENIOR EXECUTIVES**  
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### ADMINISTRATOR:

**Senate Republicans Call On EPA To Outline Agenda.** [E&E Daily](#) (9/8, Skibell)

reports, in continuing coverage, that 10 Republican members of the Senate Environment and Public Works Committee sent a letter to EPA Administrator Gina McCarthy demanding the EPA “increase transparency about litigation, settlements and rulemaking petitions.” The letter states that, “given the impending presidential transition, it is imperative that Congress and the American public have a clear understanding of the ongoing litigation and the regulatory and administrative actions that may be underway or planned.”

### **EPA Chief Praises “Green Check” Program Aimed At Increasing Environmentally Friendly Purchases By Agencies.**

Greenwire (9/8, Hess) reports that the Obama Administration has added a new “green check” tag to the General Services Administration’s purchasing portal aimed at increasing the amount of environmentally friendly goods and services purchased by federal agencies. EPA Administrator Gina McCarthy said the initiative will make it “easier to buy green products and services online.”

## **BROWNFIELDS/SUPERFUND/OTHER CLEANUPS:**

### **Gold King Mine Spill Has Lasting Impacts On Downriver Communities.**

The Los Angeles Times (9/8, Duara) reports that the Gold King Mine spill has had lasting impacts on communities in Colorado, New Mexico, and the Navajo Nation, all of which have sued the EPA for the incident. The closed mine shaft has now been designated a Superfund site, which clears the way for a multi-million dollar cleanup. However, Navajo Nation President Russell Begaye warns that, “unfortunately, the damage is not yet done. Because the toxic contaminants have been embedded in the sediment of the river, the Navajo Nation now faces the continuous threat of recontamination with every storm and increase in river flow.”

NPR (9/8, Hopkins) reports that on the Superfund designation of the Gold King Mine spill and 47 others in southwest Colorado. Federal officials said the cleanup “will cost millions of dollars and take years or even decades.”

### **EPA Formally Proposes Adding Nevada Mine To Superfund Priority List.**

The AP (9/8) reports that the EPA has formally proposed adding an abandoned copper mine in Yerington to the list of the nation’s most polluted Superfund sites, “31 years after Nevada regulators first accused Anaconda Mining Co. of illegally discharging pollutants from the toxic site.”

The Las Vegas Review-Journal (9/8) reports that Nevada only “cautiously” accepted the Superfund priority listing “after months of back-and-forth between Gov. Brian Sandoval and regional EPA Administrator Jared Blumenfeld.”

### **Local TV Coverage: Newburgh-Superfund Site Requests To Be Added TO Superfund List.**

12-TV Westchester, NY (9/8, 11:21 p.m. EDT) reports, “The city of Newburgh is urging the Feds to help clean up their drinking water. Three weeks after the state DEC declared Stewart Air National Guard Base a superfund site, the city is asking for the same designation from the US Environmental Protection Agency. The request would speed up the cleanup of harmful PFOS found at Washington Lake, which was used for Newburgh’s drinking water supply before it was shut down this summer.”

### **Additional Reading.**

- ***EPA Proposes Adding Hoosick Falls, N.Y. Factory To Federal Superfund.*** Bennington (VT) Banner. (9/7, Damon)
- ***River Raisin Cleanup Almost Completed After 20 Years Of Work.*** WUOM-FM. Ann Arbor, MI (9/8)
- ***EPA Proposes Adding Saint-Gobain NY Site To Superfund Program*** . VT Digger (VT). (9/8)

## **CLIMATE CHANGE:**

### **Obama Sees Climate Change Efforts As Central To His Legacy.**

The New York Times (9/8, A1, Davis, Landler, Davenport) runs a 2,900-word, front-page piece on how President Obama is turning attention to climate change in his final days in office. The President often calls climate change “the greatest long-term threat facing the world, as well as a danger already manifesting itself.” And “more than health care, more than righting a sinking economic ship, more than the historic first of an African-American

president, he believes that his efforts to slow the warming of the planet will be the most consequential legacy of his presidency.” He said in a recent interview, “What makes climate change difficult is that it is not an instantaneous catastrophic event. It’s a slow-moving issue that, on a day-to-day basis, people don’t experience and don’t see.” But while the issue “has played to Mr. Obama’s highest ideals,” it has also “exposed his weaknesses, namely an inability to forge consensus, even within his own party, on a problem that demands a bipartisan response.”

### **EPA Compromised On NOx Emissions In Final Cross-State**

**Pollution Rule.** [Greenwire](#) (9/9) reports that the EPA compromised on its Cross-State Air Pollution Rule, allowing power plants to emit nearly 16,000 more tons of ozone-forming nitrogen oxides under the final version than the agency had originally proposed. Environmentalists were critical of the rule, while industry representatives, including an Edison Electric Institute spokesperson, thanked the EPA for working “with all stakeholders” on the rule.

### **Former Obama Administration Officials Disagree On Clean Power**

**Program.** [Greenwire](#) (9/8, Hess) reports former White House climate adviser Jody Freeman and Chris McConnell, former head of Energy Department’s fossil fuel program, debated Thursday night in a George Washington University campus auditorium over whether the EPA has “gone overboard” with the Clean Power Program (CPP). Freeman said, “EPA has taken a flexible law which Congress passed in 1970 and has amended subsequently, giving it broad discretion to set standards using the best system.” However, according to Greenwire, McConnell “said” that the CPP is wrong, “forces wind into our [power] system” without considering reliability, and infringes on the turf of the FERC.

### **Study: Coal Retirements Could Make It Easier For Michigan To Reach**

**Climate Goals.** [ClimateWire](#) (9/8, Holden) reports that, according to a study published Wednesday by the Electric Power Research Institute, expected coal plant retirements in Michigan could make it easier for the state to meet the emissions goals set by the EPA under its Clean Power Plan. However, ClimateWire reports

that “despite the relative ease with which the state could meet EPA’s goals, Michigan political leaders have been resistant to the regulation.”

### **Green Issues Prominent In 15 House**

**Races.** [E&E Daily](#) (9/8, Cahlink) reports on its own analysis of 70 House races, highlighting 15 races where green issues are prominent. “Voters prioritize jobs and national security when they go to the voting booth,” said Nathan Gonzales, editor of The Rothenberg & Gonzales Political Report. “Anyone interested in talking about environmental issues has to put it under one of those umbrellas.” E&E goes on to list the races.

### **California Governor Signs Climate**

**Change Bill Thursday.** [The Hill](#) (9/8, Henry) reports California Gov. Jerry Brown on Thursday “signed a sweeping new climate change bill” that codified “one of the country’s strongest greenhouse gas emissions goals.” The bill requires the state “to cut its emissions by at least 40 percent, from 1990 levels, by 2030 and make new investments in climate change mitigation efforts.” Republicans in the state oppose the bill, “saying it would hurt businesses and ratepayers and give too much powers to state regulators.” The [Los Angeles Times](#) (9/8, Dillon, Megerian) reports that at the signing ceremony Brown said, “What we’re doing here is far-sighted, as well as far-reaching. ... California is doing something that no other state has done.” The [Sacramento \(CA\) Bee](#) (9/8, Siders) reports Brown also signed Assembly Bill 197 today, “giving lawmakers more authority over the California Air Resources Board.” Brown added, “The bills today...keep California on the move to clean up the environment, to encourage vast innovation and to make sure we have the environmental resilience that the Californians really want and expect.” The [Wall Street Journal](#) (9/8, Emshwiller, Lazo), the [Los Angeles Daily News](#) (9/8) and [Reuters](#) (9/8) also provide coverage.

### **G20 Urged To Eliminate Fossil Fuel**

**Subsidies.** Johannes Urpelainen at Columbia University’s Center on Global Energy Policy, writes for [The Hill](#) (9/8) that an “essential policy commitment” to address costly fossil fuel subsidies was “noticeably absent” from the G20 Summit. These subsidies, about \$500 billion globally in 2014, “encourage people to buy polluting fossil fuels and divert resources from basic investments in infrastructure, health care,

education and cash transfers to the poor. The world would be a better place without them,” Urpelainen writes.

### **USAToday: Public Officials Shouldn’t Dismiss Global Warming.**

USA Today (9/8, Board) editorializes its view that while there is room for debate on the best ways to adapt to climate change and mitigate its effects, “neither Trump nor any other candidate for public office should be allowed to get away with the argument that climate change is a ‘hoax’ or something not worth sweating over.”

**Opposing View.** Patrick J. Michaels at the Cato Institute writes for USA Today (9/8, Michaels) an opposing view, arguing that the observed global warming “has been only one-third of what would have been forecast by today’s computer models, and the rate of surface warming has even slowed since the late 1990s.” Michaels points out that there is evidence the Arctic Ocean could have experienced long periods of ice-free summers 6,000-10,000 years ago, “and some evidence it was globally warmer 1,000 years ago, too.”

### **Economist Describes Fighting Climate Change With A WWII Economy.**

Bloomberg News (9/8, Tartar) reports on a new National Bureau of Economic Research working paper by Rutgers University economics professor Hugh Rockoff who “draws parallels between the effects of global warming and the supply shortages during World War II.” The Manhattan Project alone cost around \$157 billion in today’s dollars, according to one of Rockoff’s estimates. “Tackling climate change will involve similarly ambitious projects, perhaps large-scale solar power installations or resettling whole communities away from environmentally-vulnerable areas,” and he US could more than double 2015 spending as a share of the economy before hitting WWII levels.

### **Oil Companies, Republicans Disagree On Carbon Tax.**

ClimateWire (9/8) reports oil companies are beginning to express support for the idea of a carbon tax, while Republican congress members continue to speak out against it. Texas Republican Rep. Kevin Brady said that creating a carbon tax would be bad for the economy, families and business. However, an Exxon spokesman said, “If you put a price on carbon that is transparent and predictable and

visible, the market will find ways to advantage lower-carbon energy sources, like it has with natural gas.”

## **ENERGY:**

### **Refiners Under Pressure As**

### **Renewable Fuel Costs Surge.**

Reuters (9/9, Renshaw, Prentice) reports that US oil refiners “have been laying off workers, revamping operations and ratcheting up pressure on regulators and lawmakers to tweak the renewable fuel program, whose costs have ballooned.” The top 10 US independent refiners may buy a record number renewable fuel credits this year, having spent \$1.1 billion on the credits in the first half of the year. Merchant refiners required to blend biofuels with gasoline can buy credits to meet clean-fuel mandates, but “costs have risen in recent years and become a pressure point for independent refiners and fuel importers.”

**Ethanol Seen As Cost-effective Way To Raise Gasoline Octane Levels.** Dean Drake, president of Defour Group LLC writes for The Hill (9/8) that “to meet the challenges the industry faces to comply with fuel economy and emissions in the future, we need to raise the minimum octane rating for gasoline” at an affordable price. Drake describes the history of ethanol use and writes that E10 saved consumers \$15 billion since May 2014.

**Refiner Cuts Costs, As Ethanol Credits Rise.** Bloomberg News (9/8, Powell) reports that refiner Philadelphia Energy Solutions said its finances are “significantly stressed” amid a rise in the cost of ethanol credit, low fuel prices, and high East Coast inventories. Company pension contributions will be frozen, healthcare benefits will be cut and buyouts will be offered to salaried employees, CEO Phil Rinaldi said in an email to workers Wednesday.

## **ENFORCEMENT:**

### **Vermont Sues Volkswagen Over Emissions Cheating Scandal.**

The AP (9/8, Rathke) reports on Thursday Vermont filed a lawsuit against Volkswagen and its affiliates claiming “the automaker’s diesel emissions-rigging scheme violated the state’s consumer and environmental laws.” Although VW has agreed to contribute a maximum of 15 billion dollars to settle lawsuits, Vermont Attorney General William

Sorrell said the state rejected part of the proposed settlement “that would have paid the state about \$1,000 per vehicle for violating consumer protection laws.” Calling the pollution of Vermont’s air during the emissions cheating scandal “intentional fraud on a massive scale,” Sorrell said Volkswagen and its subsidiaries mislead environmental regulators. VW said it had received the state’s complaint “and will respond appropriately.”

## **RULES/REGULATIONS/POLICY**

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### **Environmental Group Sues EPA Over Ocean Acidification Guidelines.** [Reuters](#)

(9/8) reports that the Center for Biological Diversity sued the Obama Administration on Thursday, alleging that the EPA has “fail[ed] take action as required under the Clean Water Act to stem the rising threat of ocean acidification.” The lawsuit demands that the EPA update its water quality criteria “to reflect the latest science showing carbon dioxide emissions are altering the chemistry of oceans, making seawater increasingly acidic.” In 2010, the EPA “stated its intention to issue acidification guidance to the states,” but has not yet done so.

### **House Committee Approves Legislation To Delay “High-Impact”**

**Rules.** [E&E Publishing](#) (9/8, Skibell) reports that the House Judiciary Committee approved legislation that will allow “‘high-impact’ rules — those costing the economy more than \$1 billion per year — to take effect 60 days after appearing in the Federal Register but only if nobody has filed a lawsuit against it during that period.” TRep. Tom Marino (R-Pa.) introduced the bill in response to the Supreme Court’s ruling against U.S. EPA’s new mercury standards. Committee Democrats “vehemently opposed the bill, saying it would allow anyone who wants to delay a significant regulation to merely launch litigation.”

### **Endocrine Society Engaged In Reform Of Toxic Substances Control Act.**

[Endocrine News](#) (9/8) reports, “The Endocrine Society has been engaged in reform of the Toxic Substances Control Act.” Now, the society “is closely following implementation of the Frank R. Lautenberg Chemical Safety for the 21st Century

Act.” On Aug. 22, “the Endocrine Society submitted comments to the EPA with recommendations to address deficiencies in the existing regulatory approach.” The full letter to the EPA can be seen [here](#).

## **TOXICS/TSCA:**

### **Las Vegas Middle School Locked Down After Mercury Contamination.**

The [Las Vegas Review-Journal](#) (9/7) reports that students at a “Las Vegas junior high school” were locked down after officials discovered a mercury contamination in a school gym. The piece explains that EPA rules mandate that in such cases all students must be screened for contamination, and that examinations extended to 5:00 a.m. the next day. District officials indicated that a student may have brought the substance to school. [KVVU-TV](#) Las Vegas (9/7) also covers this story.

## **WATER:**

### **Hoosick Falls Residents Worry That Contentious Hearings Don’t Offer**

**Answers, Accountability.** The [Bennington \(VT\) Banner](#) (9/8, Damon) reports that some Hoosick Falls residents are left feeling discouraged after listening to state health officials and the EPA argue over who is responsible for the water contamination crisis. Resident Michelle O’Leary said she left the hearings “feeling discouraged,” and said the fighting has been “counter productive.”

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